

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 5 JANUARY 2001 AT 1000 HOURS IN MAUCHLINE COMMUNITY CENTRE, KILMARNOCK ROAD, MAUCHLINE**

PRESENT: Councillors Tommy Farrell, George Smith, Jimmy Kelly, Julie Faulds, William Menzies, Provost Jimmy Boyd and Councillors Elaine Dinwoodie and Jimmy Carmichael.

ATTENDING: Julie Armstrong, Principal Administrative Officer; Hugh Melvin, Senior Development Promotion Officer; Karen McLeod, Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Eric Jackson, Eric Ross and Robert Taylor.

CHAIR: Councillor Tommy Farrell, Chair.

UPDATE ON STATUS OF EAST AYRSHIRE LOCAL PLAN - FINALISED VERSION

1. The Senior Development Promotion Officer, prior to consideration of the planning applications, apprised Members of the up-to-date status of the East Ayrshire Local Plan Finalised Version.

CONSIDERATION OF PLANNING APPLICATIONS**2.1 APPLICATION NO 00/0472/FL: BALFOUR KILPATRICK LTD: SHIELD MAINS FARM, COALHALL**

There was submitted an executive summary and report dated 11 November 2000 (both circulated) by the Head of Planning and Building Control on an application for the proposed temporary use of agricultural land for site offices and storage of overhead line electrical equipment for use on the Scotland to Northern Ireland Interconnector at Shield Mains Farm, Coalhall.

The Senior Development Promotion Officer reported that one letter of objection had been received, details of which were given in the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) Permission is granted for a limited period of 1 year from the date hereof, and the use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted; (3) No operations are hereby authorised to take place on the site until chestnut pale fencing of a height not less than 1.2 metres has been erected in the location shown on the approved plans. The fencing shall enclose either:- (a) the area described by the limit of the spread of the branches of the trees; or (b) a radius of 10 metres from the trunk of the trees, whichever is the greater. Such fencing shall be maintained during the course of the operations on the site and no storage, site structure, parking or any other operation shall be permitted within the area thereby

enclosed; (4) All surface water drainage and provision for the spillage of diesel fuel on site shall comply with the requirements of the Scottish Environment Protection Agency and the West of Scotland Water Authority and evidence of such compliance shall be exhibited to the Planning Authority on demand; (5) With the exception of diesel fuel oil, no toxic materials or liquids shall be stored on the site; and (6) Except in the case of emergency, no construction work or operations shall take place on the site outwith the hours of 7.30am to 6.30pm, seven days a week; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) As the proposal is not considered to be a suitable form of permanent development; Conditions (3) and (4) To ensure that adequate drainage is provided and to safeguard the nature conservation interests of the Listed Wildlife WD6, Water of Coyle/Drongan Wood; Condition (5) In the interests of environmental amenity and to safeguard the nature conservation interests of the Listed Wildlife site WD6 Water of Coyle/Drongan Wood; and Condition (6) To ensure that occupants of adjacent premises are protected against excessive noise intrusion.

No Hearing took place as the objector was not present or represented.

It was agreed to approve the application subject to the conditions and for the reasons detailed.

2.2 APPLICATION NO 00/0760/FL: BANK OF SCOTLAND: 8 MAIN STREET, DALMELLINGTON

There was submitted an executive summary and report dated 20 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the installation of an automatic teller machine through the existing shopfront at the Costcutter Store at 8 Main Street, Dalmellington.

The Senior Development Promotion Officer reported and it was noted that in paragraph 8.2 of the report the street name "High Main Street" should have read "Main Street".

The Senior Development Promotion Officer reported that 3 letters of objection had been received, details of which were given in the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the standard condition that the development to which this permission relates must be begun within five years from the date of this permission; this condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

No Hearing took place as the objectors were not present or represented.

It was agreed to approve the application, subject to the condition and for the reason stated.

2.3 APPLICATION NO 00/0024/FL: NITH VALLEY CO-OPERATIVE SOCIETY: 72-84 THE CASTLE, NEW CUMNOCK

There was submitted an executive summary and report dated 20 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the demolition of an existing retail unit and the erection of a new retail store at 72-84 The Castle, New Cumnock.

The Senior Development Promotion Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The proposed development shall be carried out in accordance with the application form received on 18 January 2000 and the amended plans received by the Planning Authority on 6 October 2000 and 22 November 2000; (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, or any order enacting this, this permission relates to the use of the premises as a non-food retail unit and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved; (4) Notwithstanding the submitted plans, the roof tile, render, stone and facing brick are not hereby approved. Details/samples of roof tile, render, stone and facing brick shall be submitted to and approved by the Planning Authority before any development commences on site; (5) Details of the colour of the proposed roller shutters and the powder coated aluminium shopfront shall be submitted to and approved by the Planning Authority prior to the commencement of the development on site; (6) The two public entrances to the shop and door opening mechanism shall be designed to allow ease of access for disabled persons and people with prams; (7) Notwithstanding the approved plans, details of a landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas and shall be maintained thereafter in accordance with these details; (8) The 17 trees to be felled shall be replaced by 20 trees. Details of replacement tree species and their location shall be agreed with the Planning Authority prior to the commencement of development on site, and shall be planted not later than the next appropriate planting season after the development has been carried out; (9) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received prior approval from the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority; (10) The advertisements shown on the plans are not hereby approved, and a further separate application for Consent to Display an Advertisement shall be submitted to the Planning Authority; (11) Notwithstanding the approved plans, details of the treatment of the boundary between the rear servicing road and the open space area and pathway and the northern boundary shall be submitted to and approved by the Planning Authority and constructed on site prior to the use of the retail store; (12) During the construction of the retail store, free access to the rear public car park and the car park to the rear of the existing shops and flats shall be maintained at all times; (13) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site; (14) The access with the A76 trunk road shall be upgraded in accordance with the approved drawings 99.08.07.02 Revision F and 99.08.07.J/01 Revision A; (15) A visibility splay of 3 metres by 90

metres to either side of the access shall be provided at the improved junction onto the A76 trunk road with no object greater than 1.05 metres in height being allowed within the splay areas formed; (16) All car parking spaces provided by the development shall remain available for public use except for the 10 spaces adjacent to the existing shop and flats which shall be marked for use of residents only; (17) The car parking areas and access road shall be bituminously surfaced to East Ayrshire Council specification and completed prior to the opening of the new retail development; and (18) Details of the construction roads and footways, kerbing, drainage, street lighting, signage and road markings, all in accordance with the Roads Development Guide, shall be submitted to and approved by the Planning Authority prior to works commencing on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To ensure that the development is carried out in accordance with the approved details; Condition (3) To enable the Planning Authority to retain control over the use of the site in the interests of residential amenity; Conditions (4), (5), (8) and (13) In the interests of visual amenity; Condition (6) To allow ease of access to all members of the public; Condition (7) To ensure that adequate provision of public open space is provided to an adequate standard and that it is subsequently maintained in the interests of visual amenity; Condition (9) To ensure that appropriate archaeological work is undertaken before the development commences; Condition (10) To ensure that the Planning Authority can retain control over the development of the site in the interests of visual amenity; Condition (11) In the interests of pedestrian safety and visual amenity; Condition (12) To allow access to car parking facilities for members of the public; Condition (14) To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road; Condition (15) To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the stream of traffic safely; Condition (16) In the interests of residential amenity; Condition (17) In the interests of amenity and public road safety; and Condition (18) In the interests of road safety.

It was agreed to approve the application subject to the conditions and for the reasons stated.

2.4 APPLICATION NO 00/0706/LB: MR T PROSSER: 14 GARDEN STREET, DALRYMPLE

There was submitted an executive summary and report dated 21 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the installation of replacement windows and alteration to existing window opening to form new doorway at 14 Garden Street, Dalrymple.

The Senior Development Promotion Officer reported that one letter of objection had been received, details of which were given in the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons:- (1) The proposal is contrary to Policy ENV4 of the East Ayrshire Local Plan Finalised Version as it does not have due regard to the architectural or historical qualities of the Conservation Area; and (2) The proposal fails to meet criteria a, b and d of Policy 11 of the Council's adopted Development Control Policies relating to Listed Buildings within Conservation Areas as the proposed replacement windows are:- (i) not of

traditional design or have traditional methods of opening; (ii) are not of timber construction; and (iii) would be located on a prominent part of the building.

No Hearing took place as the objector was not present or represented.

As it was considered that the proposal, on its merits would not be unsympathetic or detrimental to the character of the building or the Conservation Area, it was agreed to approve the application, subject to the standard condition that the development to which this permission relates must be begun within five years from the date of this permission; this condition being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

2.5 APPLICATION NO 00/0686/FL: HOPE HOMES SCOTLAND: TRUESDALE CRESCENT, DRONGAN

There was submitted an executive summary and report dated 19 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the erection of 18 No. private dwellinghouses at Shield Meadow (Phase IV), Truesdale Crescent, Drongan.

The Senior Development Promotion Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The proposed development shall be carried out in accordance with the application form plans submitted on 2 October 2000; (3) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site; (4) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, any garages associated with the development shall be of a permanent construction and finished in the same materials as the dwellinghouses to which they relate and shall be set back a minimum distance of 6 metres from the rear of the footway; (5) Access to the site shall be taken via internal roads which comply with East Ayrshire Council Roads Development Guide 1996; (6) Prior to the occupation of each house, the private driveway shall be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway to avoid overcarry of loose material onto the public road; (7) Any gates shall require to open inwards away from the public road; (8) Visitor and car parking spaces for each dwellinghouse shall be provided in accordance with the requirements of East Ayrshire Council Roads Development Guide 1996; (9) No construction work or site preparation works shall take place on site before 0700 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and at any time on Sundays; (10) Junction visibility splay areas of 2.5 metres by 35 metres shall be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas; and (11) Prior to the occupation of any adjacent houses, a 1.8 metre high screen fence shall be erected along the northern boundary of the site adjacent to the existing housing within the Phase III development site. Details of its design and location shall be submitted to and approved by the Planning Authority before development commences on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To

ensure that the development is carried out in accordance with the approved details; Condition (3) In the interest of visual amenity; Condition (4) In the interests of visual amenity and road safety; Conditions (5), (6), (7), (8) and (10) In the interests of road safety; Conditions (9) and (11) In the interests of residential amenity.

It was agreed to approve the application subject to the conditions and for the reasons detailed.

2.6 APPLICATION NO 00/0710/FL: COYLEBANK TENANTS CO-OPERATIVE: 9 GLENCRAIG STREET, DRONGAN

There was submitted an executive summary and report dated 21 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the change of use of shop to office at 9 Glencraig Street, Drongan.

The Senior Development Promotion Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the standard condition that the development to which this permission relates must be begun within five years from the date of this permission; this Condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

It was agreed to approve the application subject to the condition and for the reason detailed.

2.7 APPLICATION NO 00/0458/FL: MR G BELL: PLOT 6, GRASSMILLEES WAY, MAUCLINE

There was submitted an executive summary and report dated 21 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the proposed erection of a dwellinghouse at Plot 6, Grassmillees Way, Mauchline.

The Senior Development Promotion Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons:- (1) The proposal is considered to be contrary to Policy RES21 of the East Ayrshire Local Plan (Finalised Version) with respect to private open space provision. The layout of the plot and size of the dwelling proposed has resulted in a development which fails to comply with the minimum private open space standards and is therefore not in the best interests of residential amenity; (2) The proposal fails to comply with the Burnsland Nursery, Mauchline - Housing Design Guidance in that the proposed dwelling would be positioned, at its nearest point, only 3 metres from the heel of the footway, which is not considered to be in the best interests of visual amenity; (3) The proposal fails to comply with Condition 12 of Reserved Matters planning permission (Reference No. CD/92/304, dated 20 December 1994) for the road layout and demarcation of the plots in that the proposed dwelling would be positioned, at its nearest point, only 3 metres from the heel of the footway and the main ridge line of the roof and front elevation are not parallel to the access road. This is not considered to be in the best interest of visual amenity; and (4) The size of the proposed dwellinghouse and the shape of the plot requires the dwelling to be orientated with its principal elevation facing the side elevation of the existing adjacent dwelling and with the side elevation facing the public road. The proposed development is therefore considered to be detrimental to the visual amenity of the Burnsland Nursery residential development.

It was agreed to refuse the application for the reasons detailed.

2.8 APPLICATION NO 00/0525/FL: GEORGE JOHNSTON: SCHAW FARM, TRABBOCH, BY MAUCLINE

There was submitted an executive summary and report dated 22 December 2000 (both circulated) by the Head of Planning and Building Control on an application for the rehabilitation of derelict farm buildings to form dwellinghouse and garage at Schaw Farm, Trabboch, by Mauchline.

The Senior Development Promotion Officer referred to paragraph 6.1 of the report and advised that as the amendments to the East Ayrshire Local Plan - Finalised Version had yet to be ratified by full Council if the Committee were minded to approve the application it would have to be referred to the Development Services Committee.

The Senior Development Promotion Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: That the application be referred to the Development Services Committee with the recommendation of approval, subject to the following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The proposed development shall be carried out in accordance with the application form received on 19 June 2000, as revised by the amended plans received by the Planning Authority on 25 September 2000; (3) This approval relates to the change of use and rehabilitation of a redundant agricultural building to form a single dwellinghouse and not to the erection of a new dwellinghouse in the countryside; (4) The rehabilitation shall be constructed in accordance with, and shall be undertaken in such a manner as to retain, exactly those walls identified in Drawing Nos. 040001/05, 040001/07 and 040001/08; (5) The developer shall contact the Head of Planning and Building Control immediately upon the completion of all duntaking and prior to the commencement of any new building works; this to enable an inspection of the site. Further works shall recommence only once this inspection has taken place; (6) Notwithstanding the approved plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site; (7) Notwithstanding the submitted plans, the visibility splay areas of 2.5 metres by 150 metres to the right hand side of the access and 2.5 metres by 215 metres to the left hand side of the access shall be maintained with no obstruction to visibility greater than one metre in height being allowed within these areas; (8) Prior to the occupation of the dwellinghouse, the proposed access shall be surfaced for a distance of 6 metres from the edge of the public road to avoid overcarry of loose material onto the public road; (9) Notwithstanding the submitted plans, parking spaces for three cars shall be provided and maintained within the site prior to the occupation of the dwellinghouse; (10) Prior to the occupation of the dwellinghouse a vehicle turning area shall be formed within the site, to allow vehicles to enter and leave the plot in forward gear; (11) Any gates shall be set back a minimum distance of 10 metres from the public road, and shall open inwards, away from the public road; (12) No surface water shall be allowed to discharge onto the public road; and (13) Any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To ensure that the development is carried out in

accordance with the approved details; Conditions (3), (4) and (5) To ensure that the development relates to the rehabilitation, rather than the construction of a dwellinghouse; Condition (6) In the interest of visual amenity; Conditions (7), (8), (9), (10), (11) and (12) In the interests of road safety; and Condition (13) To prevent pollution of watercourses.

It was agreed to refer the application to the Development Services Committee with a recommendation for approval subject to the conditions and for the reasons stated.

The meeting terminated at 1035 hours.

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